

**REMARKS / DISCUSSION OF ISSUES**

The present amendment is submitted in response to the Final Office Action mailed 24 February, 2010. Claims 1-13 remain in this application. Claim 1 has been amended. In view of the remarks to follow and amendments above, reconsideration and allowance of this application are respectfully requested.

***Interview Summary***

Applicants appreciate the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on Monday, March 29, 2010. During the telephonic interview, amendments to claim 1 were discussed. Specifically, the addition of a limitation "wherein the thermal barrier layer material is not the same component or mixture used or the first dielectric layer material", was agreed upon to overcome both the Tomie et al. and Ishikawa et al. references, however, a further search would be required to determine patentability of the claim.

***Claim Rejections under 35 USC 103***

***A. Rejection of Claims 1- 13***

In the Office Action, Claims 1 – 13 stand rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 6,251,492 ("Tomie"), and further in view of Ishikawa et al 5,214,636. . Applicants respectfully traverse the rejections.

***Claims 1-13 are allowable***

Independent Claim 1 has been amended herein to better define Applicant's invention over the combination of Tomie and Ishikawa. In particular, pursuant to Applicant's attorney discussion with the Examiner during the formal interview conducted on Monday, March 29, 2010, it was agreed that the addition of a limitation, "*wherein the thermal barrier layer material is not the same component or mixture used or the first dielectric layer material*", would overcome both the Tomie et al. and Ishikawa et al. references, however, a further search would be required to determine patentability of the claim.

During the interview, the Examiner explained that the Tomi reference teaches a rewritable optical record carrier having, inter alia, an upper dielectric layer 6. The Examiner asserts that the Tomie teaches that the upper dielectric layer 6 can be considered to be equivalent to Applicant's first dielectric layer 114 and thermal insulating layer 122 because Applicant's specification states that the dielectric layer 114 and thermal insulating layer 122 can be made of the same material. Accordingly, the addition of the claim limitation overcomes the case where the dielectric layer 114 and thermal insulating layer 122 are identical.

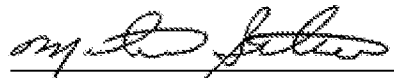
Thus, the cited portions of Tomie and Ishikawa, considered individually or in combination, do not disclose or suggest, *"wherein the thermal barrier layer material is not the same component or mixture used or the first dielectric layer material"*, as recited in claim 1. Hence claim 1 is allowable. Claims 2-13 depend from claim 1, and are therefore allowable at least by virtue of their dependence from allowable claim 1.

### Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-13 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,



Michael A. Scaturro  
Reg. No. 51,356  
Attorney for Applicant

**Appl. No. 10/538,333**  
**Amendment and/or Response**  
**Reply to Final Office action of 24 February 2010**  
**Confirmation no. 1598**

**Page 8 of 8**

**Mailing Address:**

**Intellectual Property Counsel**  
**Philips Electronics North America Corp.**  
**P.O. Box 3001**  
**345 Scarborough Road**  
**Briarcliff Manor, New York 10510-8001**